

-Humanitarian Law RULEs!-

Center for the Study of Humanitarian Law
Monthly Newsletter

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IHL Analysis

Should Tony Blair Be Tried for Crimes against Peace?

In March 2003, the United States and Britain spearheaded a military campaign against Iraq. Eight years of war and attempted peacekeeping has left between 100,000 and one million dead according to various estimations. The British and US leaders at the time, George W Bush and Tony Blair, claimed the invasion had proper legal justification due to the threat of terrorism and the imminent threat that Iraq posed to world peace by developing weapons of mass destruction .

Any invasion or use of force by a State against another State is strictly prohibited under international law by the United Nations Charter, except where there is authorization by the UN Security Council or the use of force is in self-defense against an imminent armed attack by another State. To fall within the exception, the act on self-defense must be proportionate and strictly limited to the goal of stopping the attack. It must be a last resort after exhausting all peaceful means.

The recently published Iraq Inquiry indicates that none of these conditions were met prior to the invasion of Iraq in 2003 - the alleged threat was remote and all peaceful means had not been exhausted. Further, the military invasion did not obtain the UN authorization. Accepting the findings of the Iraq Inquiry, the invasion of Iraq by Bush and Blair was illegal under international law.

As the UK has ratified the Rome Statute (the US has not), which provides for the prosecution of war criminals by the International Criminal Court (ICC), the question has been raised whether Blair should be tried for crimes against peace, also called crimes of aggression. To answer this question, it is important to look at the status of crimes of aggression before the ICC and domestic law. It is very unlikely that Blair can be tried before the ICC because the court lacks jurisdiction over the crime of aggression, which has not been adopted in the Rome Statute yet. Further, aggression is not a crime under UK law so he cannot be prosecuted in domestic Courts either.

It therefore seems that these alleged war crimes will go untried and unpunished.

LIBRARY HOURS

August & September 2016

Mon to Fri: 8.45am – 5.30pm

Closed: 30 September 2016

UPCOMING EVENTS

ECCC lecture series – first lecture
20 August 2016

Academic Conference –22 October
2016 (tbc)

WESTLAW TRAINING

CSHL is now offering Westlaw database training to law students at RULE. If you would like to attend a training session, please contact librarian Sarun Sous at sarun@elbbl-cshl.org to arrange a time.

